

WOLLMUTH MAHER & DEUTSCH LLP

500 FIFTH AVENUE
NEW YORK, NEW YORK 10110

TELEPHONE (212)382-3300
FACSIMILE (212)382-0050

October 23, 2020

By ECF

The Honorable Katherine Polk Failla
United States District Court Judge for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Pacific Life Ins. Co. v. The Bank of New York Mellon, 17-cv-1388-KPF

**Subject: Sealing Request Regarding Plaintiffs' Reply
Memorandum of Law in Further Support of Plaintiffs' Omnibus
Motion and Motion in Limine to Exclude Opinions and Testimony
of Defendant's Experts [ECF Nos. 161-162]**

Dear Judge Failla:

Pursuant to Rule 9 of your Individual Practices, Plaintiffs Pacific Life Insurance Co., and Pacific Life & Annuity Co. request permission to file under seal the document attached as Exhibit 2 (the "Sealed Exhibit") to the Declaration of Jay S. Handlin in support of Plaintiffs' Reply Memorandum of Law in Further Support of Plaintiffs' Omnibus Motion and Motion in Limine to Exclude Opinions and Testimony of Defendant's Experts, and to redact references to the Sealed Exhibit in PacLife's Memorandum of Law in Further Support (Plaintiffs' Reply). The Sealed Exhibit and redacted portions of Plaintiffs' Reply have been designated as "Confidential" by BNYM under the Protective Order in this case [ECF No. 72], and BNYM has requested that we file them under seal. As required by Rule 9(C), we will file under seal unredacted copies of the Sealed Exhibit and Plaintiffs' Reply. We are also emailing Chambers unredacted copies of the Sealed Exhibit and Plaintiffs' Reply.

The redacted portions of the Sealed Exhibit and Plaintiffs' Reply do not contain information concerning Plaintiffs. Plaintiffs do not concede that materials designated as confidential by BNYM are confidential, or that the redactions are appropriate.

Respectfully submitted,

/s/ Ryan A. Kane

Ryan A. Kane

Application GRANTED. Plaintiffs may file under seal an unredacted copy of Exhibit 2 to the Declaration of Jay S. Handlin, and may redact references to that exhibit in their briefing. The sealed copy shall be viewable to the Court and parties only.

Dated: October 26, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE